

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Fynale Barnwell and Shavell Barnwell,
Individually, and as natural parents and
Guardians of, M.B., a Minor Child,

Plaintiffs,

v.

Lexington School District One, GERRITA
POSTLEWAIT, in her individual capacity,
NICOLE LIVINGSTON, in her individual
capacity, JACOB SMITH, in his individual
capacity, and South Carolina Department of
Education,

Defendants.

C.A. No.: 3:23-cv-583-SAL

**DISTRICT DEFENDANTS' NOTICE OF MOTION AND
MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, Lexington School District One, Nicole Livingston, and Jacob Smith (collectively, the “District Defendants”), by and through their undersigned counsel, hereby moves for Judgment on the Pleadings. This Motion asks the Court to dismiss Livingston and Smith (collectively, the “Individual Defendants”) from the suit on the grounds that they are entitled to qualified immunity. This Motion also asks the Court to dismiss the sole remaining claim against the District—loss of personal services—on the grounds that such claim is foreclosed by the Court’s prior Order. The grounds for this Motion are fully set forth in the District Defendants’ Memorandum of Law, which is filed contemporaneously herewith and incorporated herein by reference.

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Respectfully Submitted:

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July 29, 2024

Columbia, South Carolina